

**DECLARATION FOR UTILITY PATENT APPLICATION**

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ARRAYED WAVEGUIDE GRATING WITH WAVEGUIDES OF UNEQUAL WIDTHS, the specification of which is attached hereto unless the following box is checked:

☐ was filed on \* as United States Application Serial No. \*.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/276,779	March 16, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5/30/01  
Date

Kenneth MCGREER  
Name: Kenneth MCGREER  
Residence: 843 Gregory Court, Fremont, California 94539  
Citizenship: Canada  
Post Office Address: 843 Gregory Court, Fremont, California 94539

09870876 053001  
T00E50 9/28/860

Docket No.: 373722001600  
Client Reference: A022

Applicant/Patentee: Kenneth MCGREER

Serial No./Patent No.: To Be Assigned

Filed on/Issued: Herewith

For: ARRAYED WAVEGUIDE GRATING WITH WAVEGUIDES OF UNEQUAL WIDTHS

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
37 C.F.R. §§ 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Lightwave Microsystems Corporation

ADDRESS OF CONCERN: 2911 Zanker Road, San Jose, California 95134

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ARRAYED WAVEGUIDE GRATING WITH WAVEGUIDES OF UNEQUAL WIDTHS by inventor(s) Kenneth MCGREER described in

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Martin J. Lundie

TITLE OF PERSON IF OTHER THAN OWNER: Vice President and CFO

2911 Zanker Road, San Jose, California 95134

ADDRESS OF PERSON SIGNING:

SIGNATURE: *M. Lundie*DATE: May 25, 2001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kenneth MCGREER

Serial No.: To Be Assigned

Filing Date: Herewith

For: ARRAYED WAVEGUIDE GRATING  
WITH WAVEGUIDES OF UNEQUAL  
WIDTHS

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Lightwave Microsystems Corporation, the assignee of the entire right, title and interest in  
this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Randolph Ted Apple (Reg No. 36,429)  
Sanjay S. Bagade (Reg No. 42,280)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Alex Chartove (Reg No. 31,942)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Carolyn A. Favorito (Reg No. 39,183)  
Hector Gallegos (Reg No. 40,614)  
Debra J. Glaister (Reg No. 33,888)  
Johny U. Han (Reg No. 45,565)  
Alan S. Hodes (Reg No. 38,185)  
Peter Hsieh (Reg No. 44,780)

Laurie A. Axford (Reg No. 35,053)  
Joseph Barrera (Reg No. 44,522)  
Shantanu Basu (Reg No. 43,318)  
Frank P. Becking (Reg No. 42,309)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas Chuang (Reg No. 44,616)  
Cara M. Coburn (Reg No. 46,631)  
Raj S. Davé (Reg No. 42,465)  
Stephen C. Durant (Reg No. 31,506)  
David L. Fehrman (Reg No. 28,600)  
Thomas George (Reg No. 45,740)  
Kenneth R. Glick (Reg No. 28,612)  
Douglas G. Hodder (Reg No. 41,840)  
Charles D. Holland (Reg No. 35,196)  
Wayne Jaeschke, Jr. (Reg No. 38,503)

Madeline I. Johnston (Reg No. 36,174)  
 Parisa Jorjani (Reg No. 46,813)  
 Richard C. Kim (Reg No. 40,046)  
 Kawai Lau (Reg No. 44,461)  
 Michael J. Mauriel (Reg No. 44,226)  
 Philip A. Morin (Reg No. P-45,926)  
 Martin M. Noonan (Reg No. 44,264)  
 Paul J. Riley (Reg No. 38,596)  
 Terri Shieh-Newton (Reg No. 47,081)  
 Kevin R. Spivak (Reg No. 43,148)  
 Michael R. Ward (Reg No. 38,651)  
 Todd W. Wight (Reg No. 45,218)  
 David T. Yang (Reg No. 44,415)  
 George C. Yu (Reg No. 44,418)

Richard D. Jordan (Reg No. 33,519)  
 Ararat Kapouytian (Reg No. 40,044)  
 Cameron A. King (Reg No. 41,897)  
 Rimas T. Lukas (Reg No. 46,451)  
 Gladys H. Monroy (Reg No. 32,430)  
 Kate H. Murashige (Reg No. 29,959)  
 Catherine M. Polizzi (Reg No. 40,130)  
 Debra A. Shetka (Reg No. 33,309)  
 Rebecca Shortle (Reg No. 47,083)  
 Stanley H. Thompson (Reg No. 45,160)  
 E. Thomas Wheelock (Reg No. 28,825)  
 Frank Wu (Reg No. 41,386)  
 Peter J. Yim (Reg No. 44,417)  
 Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018,

telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.


Please direct all written communications relative to this application to:

Johney U. Han  
 Morrison & Foerster LLP  
 755 Page Mill Road  
 Palo Alto, California 94304-1018

Please direct all telephone communications to Johney U. Han at (650) 813-5786.

Lightwave Microsystems Corporation  
 a Delaware corporation

Dated: May 25, 2001

  
 Name: Martin J. Lundie  
 Title: Vice President and CFO  
 Address: 2911 Zanker Road  
 San Jose, California 95134

ASSIGNMENT  
SOLE

COPY

THIS ASSIGNMENT, by Kenneth MCGREER (hereinafter referred to as the assignor), residing at 843 Gregory Court, Fremont, California 94539, witnesseth:

WHEREAS, said assignor has invented certain new and useful improvements in ARRAYED WAVEGUIDE GRATING WITH WAVEGUIDES OF UNEQUAL WIDTHS, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; and filed herewith; and

WHEREAS, Lightwave Microsystems Corporation, a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 2911 Zanker Road, San Jose, California 95134 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

5/25/01  
Date

  
Kenneth MCGREER

State of California  
County of Santa Clara)  
ss.

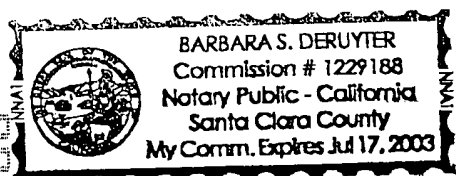
COPY

On May 25, 2001, before me, Barbara S. deRuyter, Notary Public,  
Date  
 personally appeared Kenneth MCGREER,

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to  
 the within instrument and acknowledged to me that  
 he/she/they executed the same in his/her/their  
 authorized capacity(ies), and that by his/her/their  
 signature(s) on the instrument the person(s), or the  
 entity upon behalf of which the person(s) acted,  
 executed the instrument.

WITNESS my hand and official seal.



Place Notary Seal Above

*Barbara S. deRuyter*  
 Signature of Notary Public

T00350-92802860